

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 200572**

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Christopher DePerro, Abandonment Hearing Officer**.

This request will NOT be completed until all the stipulations have been met and this request is formally adopted by City Council. It is the **APPLICANT'S RESPONSIBILITY** to ensure that all stipulations are satisfied. **Please contact Maggie Dellow at (602) 262-7399** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council action.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is March 4, 2023**), this request will then expire. At that time a new submittal will be required along with the required payment for the abandonment process. A one time, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.



## **City of Phoenix**

Planning and Development Department

March 4, 2021

Abandonment Staff Report: **ABND 200572**

Project# **20-3452**

Quarter Section: **18-27**

**Location:**

201 West Coolidge Street

**Applicant:**

Benjamin Tate; Withey Morris PLC

**Request to abandon:**

A 758 square foot portion of the east side of the 3<sup>rd</sup> Avenue right-of-way, north of Hazelwood Street.

**Purpose of request:**

The applicant states: the irregularity of the “notch” created by this 768-sf portion of right-of-way poses a challenge for life safety measures in the proposed development.

**Hearing date:**

**March 4, 2021**



### **Hearing Summary**

Ms. Maggie Dellow, the Abandonment Coordinator read the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

Mr. Christopher DePerro, the Hearing Officer then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Benjamin Tate, the applicant indicated that the site is currently pursuing rezoning from R-5 and R-3 to WU Code Transect 5 for the development of a 4-story multi-family project. The scope of the project will require the applicant to raise their finished floor significantly above finished grade in order to be compliant with FEMA floodplain requirements and in order to achieve the desired stoop effect proposed in the building's architecture and design. Mr. Tate explained that the existing right-of-way notch presents conflicts between the proposed site design and life safety measures and that the abandonment will be required in order to build an ADA sidewalk ramp in this area, which would conflict with the existing right-of-way.

The Hearing Officer reviewed the recommended stipulations with the applicant.

The Hearing Officer granted a conditional approval subject to the stipulations.

### **Stipulations of Conditional Approval**

The request of abandonment is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

1. Either a or b shall be complied with:
  - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
  - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be \$500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is \$1.00 a square foot for the first 500 square feet, \$0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.
3. No right-of-way within 30 feet of the 3rd Avenue monument line may be abandoned.
4. A 3' x 3' water easement shall be dedicated around the  $\frac{3}{4}$ " water meter, or it shall be relocated to the right-of-way.
5. All stipulations must be completed within **two years** from the Abandonment Hearing Officer's decision.

**This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.**

Hearing Officer Signature: \_\_\_\_\_



Date: 3/24/2021

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative: Benjamin Tate, Withey Morris  
Christopher DePerro, Abandonment Hearing Officer